



March 8, 2017

Rep. Lee Chatfield, Chair
House Competitiveness Committee
Anderson House Office Building
124 North Capitol Avenue
Lansing, MI 48933

Re: House Bills 4148-57

Dear Rep. Chatfield and committee members:

The Michigan Coalition for Open Government commends you for considering House Bills 4148-57. The Michigan Legislature and Office of the Governor should embrace the same records disclosure requirements that apply to most bodies of government in Michigan.

However, we are concerned that the proposed legislation does not provide a private right of action to Michigan residents and constituents when the Legislature refuses to provide a record. These denials should have an appeals process that allows a person to seek relief from the courts.

The definition of a public record under LORA should mirror existing law in FOIA. A public record is either disclosable or exempt from disclosure. LORA should not allow 15 days for a record to become a public record—this will introduce unnecessary delays for constituents who seek records. Under FOIA, agencies can already take up to 15 days to produce a record and many agencies even abuse this requirement. The Legislature should operate under the same rules as other public bodies subject to open records requirements.

HB 4155 proposes several exemptions to LORA. We recommend that LORA be construed to require broad disclosure, with narrowly-tailored exemptions. Each new exemption should be scrutinized carefully to ensure that constituents are given "full and complete" information about the actions of the Legislature.

Thank you for considering this important legislation.

Sincerely,

Michael Reitz
President

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